

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

MICHAEL and CHRISTINE FARRELL,

No. 06-10863

Debtor(s).

ROGER ASHKENAZI,

Plaintiff(s),

v.

A.P. No. 07-1038

MICHAEL and CHRISTINE FARRELL,


Defendant(s).

ORDER DENYING LEAVE TO FILE COUNTERCLAIM

As the court has pointed out to the parties, a general release does not bar a subsequent dischargeability proceeding. Moreover, the covenant not to sue bars litigation only by one party against another; defendants in this adversary proceeding were not parties to the agreement. Accordingly,

IT IS ORDERED that defendants' motion for leave to file a counterclaim for breach of the covenant not to sue is DENIED.

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2 Dated: July 7, 2008
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Alan Jaroslovsky
U.S. Bankruptcy Judge